

170 P/2521 Huntz
ORIGINAL

BRETT T. CULVER

Plaintiff,

v.

COMMONWEALTH OF PENNSYLVANIA,
et al.,

AND AMENDED DEFENDANTS'

Michael Vuksta,
S. Nye,
Edward Klem,
W.P. Yackel
D.J. Jones

Defendants.

AMENDED DEFENDANT BRIEF

Case No. 1:cv-01-0904

(Judge Kane)

FILED
HARRISBURG, PA

JUL 15 2003

MARY E. DAVENPORT, CLERK
Per [Signature]

AMENDED DEFENDANT BRIEF

In the summer of 2002 this plaintiff was transferred from housing unit I-B, to housing unit F-A. Shortly thereafter a Michael Vuksta, who is an employee of the SCI Mahanoy facility was assigned to F-A unit as the housing unit Manager. Michael Vuksta upon assignment to F-A unit initiated bias treatment towards this plaintiff, and has since targeted this plaintiff with systematic attacks of insults, slander, abusive language, name calling, has falsified record statements, and false statements to officials concerning this plaintiff and reports. Vuksta also has subjected this plaintiff to hostile/hazardous cell arrangements with problematic and/or smoking inmates to stress/accost this plaintiff. This plaintiff has reported the adverse treatments, retaliatory abuses, and the abusive cell arrangements Vuksta has accosted him with, but all reports to the SCI Mahanoy officials have been rejected or responded to with retaliatory accusations/falsification's of record/fraudulent misconduct charges.

E. Klem, who is the present Superintendent of the SCI Mahanoy facility, has, since January of 2003, refused to address any and all reports submitted to his office concerning violations of misconduct committed by Michael Vuksta against this plaintiff subjugated to Vuksta's treatment. E. Klem has utilized his position to support abuses of misconduct committed by Michael Vuksta (and other staff), and has collaborated with staff members to suppress the issues reported, falsify statements and record responses against this plaintiff, and has used his office to protect the violating staff members from accountability and/or complaint process. E. Klem has also falsified record responses to sabotage further efforts to report the issues of violations and staff misconduct. Edward Klem has therefore committed violations to this plaintiff's Eighth and Fourteenth Amendment Rights.

W.P. Yackel, who is employed by the SCI Mahanoy facility as a Security Officer, in concert with E. Klem, Vincent Mooney, M. Vuksta, S. Nye, and D.J. Jones, has retaliated against this plaintiff by accosting him with fraudulent misconduct allegations/charges on 6-25-03 (#440634). The false charges were a direct retaliatory action taken by Yackel pursuant to plaintiff's 5-23-03 and 6-19-03 reports of staff abuses submitted to E. Klem. W.P. Yackel, in concert with V. Mooney, M. Vuksta, and S. Nye, accosted this plaintiff with unfounded unfactual formulated charges in misconduct #440634. W.P. Yackel has committed violations of this plaintiff's Eighth and Fourteenth Amendment Rights.

Michael Vuksta, who is employed by the SCI Mahanoy facility has used his position and authority to commit acts of abuse against this plaintiff, and has conspired/collaborated with Nye, Yackel, and other staff to falsely accuse/accost this plaintiff of false charges to unjustly sanction/punish this plaintiff. Michael Vuksta has committed violations of this plaintiff's Eighth and Fourteenth Amendment Rights.

S. Nye, who is employed by the SCI Mahanoy facility as a unit Counselor, has used her position and authority to conspire/collaborate in false allegations and record file responses in efforts to accost this plaintiff with misrepresentations, slandering of this plaintiff, including giving false information against this plaintiff to officials (and on file). Nye has collaborated efforts with other violating staff members of the SCI Mahanoy Administration to accost this plaintiff with false charges/sanctions of 6-25-03 (with Vuksta and Yackel), and 6-30-03 (with D.J. Jones). S. Nye has committed violations of this plaintiff's Eighth and Fourteenth Amendment Rights.

D.J. Jones, who is employed by the SCI Mahanoy facility as a Hearing Examiner, compromised his position and authority to unjustly sanction this plaintiff on unsupported false charges, in collaboration to retaliate against this plaintiff for reporting staff misconduct/abuse. In conjunction with W.P. Yackel, Nye, Vuksta, Mooney, and Klem, D.J. Jones accosted this plaintiff with sanctions via misconduct #440634 on 6-30-03, without evidence support, and through falsification of witness testimony, which D.J. Jones himself falsified on record. D.J. Jones has committed violations of this plaintiff's Eighth and Fourteenth Amendment Rights.

D.J. Jones desisted from performing duties of fact finding and fair/impartial hearing. D.J. Jones falsified witness testimony of C.O. Cope to wrongfully enter falsified support of allegations, and a unsupported guilty verdict against this plaintiff (by intentionally and purposely entering a fabricated version of C.O. Cope's testimony on record). D.J. Jones has committed crimes of Official Corruption, Falsification of Official Documents, Falsification of Witness Testimony, and Assault against this plaintiff, in conjunction and collaborations with defendants' Klem, Yackel, Mooney, Vuksta, and Nye.

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the forgoing "AMENDED DEFENDANT BRIEF was sent, this date of 7-12-03, by First Class United States Mail to:

U.S. District Court
Clerk of Courts
228 Walnut Street
P.O. Box 983
Harrisburg, PA. 17108

Defendants in care of
Office of Attorney General
Maryanne Lewis
Strawberry Square
Harrisburg, Pa. 17120

Date: July 12, 2003


Brett T. Culver

NAME Brett Culver

NUMBER DD3483

301 MOREA ROAD
FRACKVILLE, PA 17932

FILED
HARRISBURG, PA
JUL 15 2003
Per MATTY E. WYNN, CLERK

U.S. District Court
Clerk of Courts
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P.O. Box 983
Harrisburg, PA. 17108

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